

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBIN GAFFNEY, :
Plaintiff, : 04 Civ. 10179 (VM)
: CONDITIONAL
- against - : ORDER OF DISCONTINUANCE
:
DEPARTMENT OF INFORMATION :
TECHNOLOGY AND :
TELECOMMUNICATIONS, et al., :
:
Defendants. :
----- X

VICTOR MARRERO, United States District Judge.

Counsel for plaintiff, on behalf of the parties, having notified the Court, by letter dated February 18, 2009, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within sixty (60) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity

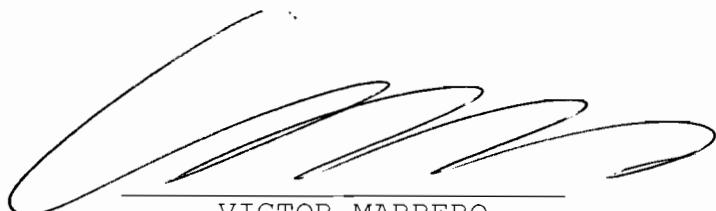
of additional process, on a date within thirty days of the plaintiff's application for reinstatement, to reschedule the trial of this matter. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

The trial scheduled for February 23, 2009 is canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such trial is necessary to resolve the dispute herein.

The Clerk of Court is directed to withdraw any pending motions and to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
18 February 2009



VICTOR MARRERO
U.S.D.J.

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February 18, 2009

BY FAX

The Honorable Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street, Room 660
New York, NY 10007

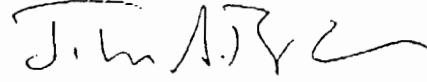
Re: Gaffney v. New York City Department of Information Technology
and Telecommunications et al.
Civil Action No. 04 CV 10179 (VM)

Dear Judge Marrero:

This law firm and Eugenie Gilmore represent the plaintiff, Robin Gaffney, in the above matter. I am confirming that the parties have settled the above suit, making unnecessary the trial scheduled for next week. The parties will be finalizing the terms of the settlement, and once that process is completed will submit to the Court a Stipulation of Dismissal. Please advise me if the Court requires at this time any other papers or memorializations of the settlement.

Thank you for the assistance that you gave the parties in reaching a settlement.

Respectfully submitted,


John A. Beranbaum

cc: Andrea O'Connor, Esq. (By fax)
Eugenie Gilmore, Esq. (By fax)